App F IX-4

Previous References 1944-45 mL (mL) File No. 126-44
Serial Nos 4, 5

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for June 45

SUBJECT

Correspondence relating to the interpellations by Mr. G. Ahmed Khan in the city mcl. cl. Mysore

To Mr G Ahmed Khan
L. 10692 d 27/4/45

Refuses interference with regard to the — —

HR
5/7

62795 6309 8246/44

Letter Dy 24-3-45 from Mr G. Ahmed Khan, Municipal Councillor, Mysore, forwarding copies of correspondence that passed between the President, City Council Mysore & himself in regard to the taking up of interpellations first in the council meetings.

1) In Rule 11 on Page 18 of the Rules & Bye-laws it is laid down that the Interpellations shall be taken up before the ordinary business on the Agenda commences.

2) The Advt when asked by the Councillor why the rules in this behalf are not being followed, the Advt has stated that as Rule 6 on Page 4 gives him the option of taking power in the matter of following the agenda & that the procedure that is being followed for 30 years is not followed.

3) If agreed, the Law section will also be consulted.

29/3

Law Asst

31 3-45

Asst Legl. Law Secy

3-4-45

2

Submitted -

7 The point for consideration is (vide p u. o) whether the interpellations have to be taken up first at the meetings or whether the President is given discretion to arrange the business of the day

8 The petitioner contends (vide Ex A) that under R 11 at page 18, the interpellations shall be taken up before the ordinary business on the agenda commences. But under ~~of~~ bye law 6 on page 4, ~~the~~ read with the latter portion of S 29 (8) of the City Municipalities Act 1933, the presiding authority is given discretion to fix the order in which any business that may be transacted and in case of objection a majority has to be decided by a majority of votes.

9 From the rules & interpellations (vide pages 16-18) it will be seen that questions ~~form~~ form part of the agenda and as per ~~bye law~~ rule (3) at page 3 (at the commencement of the

Interpellations - City Municipal Council - Mysore - Bye-Laws

of the proceedings of each general meeting, the
minutes of the last meeting shall be read
While Rule 11 at p 18 says, that interpellations shall be taken up before the commencement of the business. Rule 3 at p 3 says, that minutes shall be read at the commencement of the proceedings Obviously so far as the rules are concerned, it appears, interpellations should be taken up first But Rule 6 at p. 4 read with S 27 (8) of the City M Act gives powers to the President to arrange the priority of business at a meeting, and except when Motion is taken in which case it is to be decided by a majority It appears, therefore the provisions of the Act has to be looked into when the rules are not clear

(I) I think the contention of the President is wrong. Sec 27(8) of the Act is clear. Interpellations form part of the agenda, & the President has (under section 27(8) of the Act) the right to arrange & control in what order any business shall be brought forward at any meeting.

(II) This is purely an academical discussion which need not be taken notice of.

Asst Secy 2.3.45 Law Secy 3.3.45 Min 12.4.45

SECY. LAW DEPT. 8115 12 APR 1945 GOVT OF MYSORE

MAH 4/4

C F 69]

Continuation Sheet | File No / Current No | of | Page

ENCLOSURE 'A'

Letter No.25/120 dated 29-1-45 from G. Ahamed Khan, Municipal Councillor, Mysore, to the President, City Municipal Council, Mysore.

I invite your kind attention to the Council Meeting held on 27-1-45 and request to be enlightened on the following points.

Before commencement of the above meeting, I wished to know whether the Council was adhereing to the Rule laid down in para 14 of Byelaws regarding Interpellations. In this connection reference was taken to Interpellation No.376 tabled by me, vide proceedings of the meeting held on 25-11-4 It was seen that the supplementary questions put by me and the answers given by the President were not recorded in the Minute Book. Please let me know whether this action of the Council is not against the Byelaw regarding Interpeations.

Further, I wished to know whether the Interpellations are taken up first in every meeting of the Council, as per para 11 of the Byelaws regarding Interpellations. I was replied that the usual custom of the House has been folowed. In this instance I would like to know whether the House can deviate from the Rules laid down in the Byelaws, if so, under what circumstances they can do so may be made clear.

Lastly, I would like to know how far the Council was justified in following the same old procedure on the meeting of 27-1-45 also, even after the question of irregular procedure was pointed out by me.

Please let me hear as early as possible.

'C o p y'

G AHAMED KHAN
Municipal Councillor
&
Proprietor
A R K & Sons
Ref.No.25/150.

General Bazaar

MYSORE, 24th March, 193/45

REGISTERED
FOLSC&PH
Date 26.3.45
No 1124.

To

The Dewan of Mysore,
Bangalore.

Sir,

In enclosing herewith copies of the following correspondence between the President, City Municipal Council, Mysore and myself, I wish to state as under:-

A. Letter No.25/120 of 29-1-45 from G.Ahamed Khan, Municipal Councillor, Mysore, to the President, City Municipal Council, Mysore.

B. Letter No.M5-144-502/44 dated 8/9-2-45 from the President, City Municipal Council, Mysore, to Mr.G.Ahamed Khan, Municipal Councillor, Mysore.

C. Letter No.25/134 dated 6-3-45 from G.Ahamed Khan, Municipal Councillor, Mysore, to the President, City Municipal Council, Mysore.

D. Letter dated 13-3-45 from the President, City Municipal Council, Mysore, to G.Ahamed Khan, Esq., Municipal Councillor, Mysore.

As seen in the Extract of Proceeding of Municipal Council meeting held on 27-1-45 (Vide Enclosure'B'), I asked the President, City Municipal Council, Mysore, in my letter dated 29-1-45 (Vide Enclosure'A') to make it clear whether the procedure of not taking up the Interpellations first of all in the meetings, was not against the Rules laid down in the Municipal Bye-laws. The replies given by the President for this, and further correspondence on the subject may kindly be perused from the enclosures 'B' to 'D'.

I invite your kind attention particularly to the words underlined in the copy of my letter dated 6-3-45 (Vide Enclosure 'C'). I pointed out in this letter to the President, City Municipal Council, Mysore, that in the meeting on 27-1-45 I did not want him to give priority to any particular proposition as laid down in the Rules, but asked about the non-observance of a Rule in the Byelaws. And the reply for this is his letter dated 13-3-45(Vide enclosure'D'). He states in his letter dated 13-3-45 that the procedure now followed

P.t.o.

is not against the Byelaws, though in Rule No.11 on page 18 the Byelaws clearly speak that Interpellations should be taken up before the ordinary business on the Agenda commences. The President, City Municipal Council, Mysore, states this perhaps on the score that the procedure of not taking up Interpellations in the begining of Meetings, is being followed by the Council for the past about 30 years. In this connection I wish to point out that an irregularity (deviation from the Byelaws in this instance) cannot be called otherwise, merely because it is being followed for the past thirty or forty years.

Under the circumstances, I request you kindly to let me know, after kind perusal of the correspondence between myself and the President, City Municipal Council, Mysore, and the Byelaws referred to in the above para, whether how far the President is justified in saying that the procedure followed is not against the Byelaws.

Request the favour of a line in reply.

Yours faithfully,

Sd/- G.Ahamed Khan.

MUNICIPAL COUNCILLOR,
C. M. C. MYSORE.

Ref.No.25/151. Dt. 24-3-45.

Copy forwarded to the Minister for Public Health, Government of Mysore, Bangalore, for favour of information.

MUNICIPAL COUNCILLOR.

ENCLOSURE 'B'

Letter No.M5-144-502/44 dated 8/9-2-45 from the President,City Municipal Council,Mysore,to Mr. G.Ahmed Khan,Municipal Councillor, Mysore.

With reference to your letter No.25/120 dated 29-1-45 enquiring whether the procedure followed in the meeting of the Municipal Council held on 27-1-45 re. Interpellations is not against the law, I am forwarding herewith an extract of the proceedings pertaining to this subject,which will make matters clear. In this connection, I wish to invite your attention to Rule No.6 on page 4 of the same Byelaws, which reads as follows -

> "The order in which any business that may be transacted or any proposition that may be discussed at any meeting shall be taken up at such meeting shall be determined by the presiding authority, who, in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal."

and the last sentence of section 27 clause(8) of the City Municipalities Act 1933, both of which vest the President with authority to decide the order in which business is to be transacted at meetings. There is nothing irregular in following the existing procedure.

Re: the inclusion of supplementary questions and answers I wish to state that these are also being included as could be seen in the proceedings sent to you from time to time.

Proceedings of the ordinary general meeting of the Mysore City Municipal Council held on Saturday the 27th January 1945 at 4-30 P.M.

-525. Confirmation of the proceedings of the ordinary General meeting of the Mysore City Municipal Council held on 22nd Decr'44.

The proceedings of the Council meeting held on 22nd Decr'44 are confirmed with the following addition, under subject No.347, Reorganisation of the President's Office.

"While supporting the proposition, Mr.T.Narasimha Iyengar stated that there is provision in the City Municipalities Act 1933 to appoint a Secretary to the Council " Add the above as a second sentence on page 13 of the printed proceedings.

Mr. G.Ahamed Khan invited reference to Rule No.11 on page 18 of the Byelaws that "Interpellations shall be taken up before the ordinary business on the agenda commences." and wanted to know why this rule is not being followed by the Council. The President replied that the House is aware of the byelaws pointed out by the member, but that it is not being followed as the existing procedure of, confirmation of proceddings of the previous meeting, recording of statements and Government orders, and then taking up interpellations followed by other items of business, has been in vogue for the past 30 years. He wanted to know the opinion of the other members present,whether the existing procedure be continued or not.

Mr. B. Narayanaswami stated that the existing procedure may continue being quite suitable, and the other members were generally of his opinion.

Mr.F.C.Devaraj Urs stated that there is some force in what Ahamed Khan asked,but he was of the opinion that the existing established procedure may be continued. He suggested that the discussions on this subject may be placed on record for future guidance.

10

Enclosure 'B' (Contd).

Mr. G.Ahamed Khan next referred to subject No.376 and ~~xxfxx~~ observed that supplementary questions and answers thereto are not being printed in the proceedings. The President said that supplementary questions and answers are being printed,but in this case he does not remember any supplementary questions having been asked by the member. He further stated that i t would not be possible to incorporate the detailed discussions in the proceedings. The rules in this behalf required only a rough minutes of the proceedings being taken down.

'C o p y'

ENCLOSURE 'C'

Letter No.25/134 dated 6-3-45 from G.Ahamed Khan, Municipal Councillor, Mysore, to the President,City Municipal Council, Mysore.

Ref: Your No.M'5 144-502/44 dated 9-2-45.

While thanking you for your above forwarding an extract of the proceedings of the Council meeting held on 27-1-45 regarding Interpellations, I wish to state as under:-

I note the rule No.6 on page 4 of the Byelaws reproduced in your letter and invite your particular attention to the following words underlined in the same.-

> "In case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the mauority of votes given for or against the proposal."

It will be seen that when a member proposes to give priority to any particular item of business or proposition, the President can be guided by the opinion of the House. But my reference to rule No.11 on page 18 of the Byelaws in the meeting of 27-1-45 was not to any particular item or proposition from among the subjects to be discussed on that day, but was regarding the non-observance of a Rule itself.

I shall therefore be glad to know whether the Rule quoted by you vests the President and Council with authority to overrule the Byelaws also in the conduct of meetings.

Kindly let me hear early.

'Copy'

ENCLOSURE 'D'

12

Letter dated 12th March 1945 from the President,City Municipal Council,Mysore,to G.Ahamed Khan,Esq., Municipal Councillor, Mysore.

With reference to your letter No.25/134 dated 6th March 1945, enquiring whether the rule quoted by me in my previous letter of even number of 9th Feb'45, vests the President and the Council to over rule the Byelaws, I wish to inform you that the procedure now followed is not against Byelaws. This will be clear if the first part of Rule 6 and the last sentence of Sec.27 Cl 8 of the Municipal Act, are read together. It is not the intention either of the President or the Council to overrule the Byelaws..

'Copy'

G AHAMED KHAN
Municipal Councillor
&
Proprietor
A R K & Sons
Ref.No 25/130.

General Bazaar
MYSORE. - 24th-March,-1945

DEWAN'S OFFICE
26 MAR 1945
NO. 1511

To

The Dewan of Mysore,
Bangalore.

Sir,

In enclosing herewith copies of the following correspondence between the President, City Municipal Council, Mysore and myself, I wish to state as under:-

A. Letter No.25/130 of 29-1-45 from G.Ahamed Khan, Municipal Councillor, Mysore, to the President, City Municipal Council, Mysore.

OFFICE OF THE
REVENUE & LAW.
P628
Dec 2.7.3.45

B. Letter No.M5-144-502/44 dated 8/9-2-45 from the President, City Municipal Council, Mysore, to Mr.G.Ahamed Khan, Municipal Councillor, Mysore.

C. Letter No.25/134 dated 6-3-45 from G.Ahamed Khan, Municipal Councillor, Mysore, to the President, City Municipal Council, Mysore.

D. Letter dated 12-3-45 from the President, City Municipal Council, Mysore, to G.Ahamed Khan, Esq., Municipal Councillor, Mysore.

As seen in the Extract of Proceeding of Municipal Council meeting held on 27-1-45 (Vide Enclosure'B'), I asked the President, City Municipal Council, Mysore, in my letter dated 29-1-45 (Vide Enclosure'A') to make it clear whether the procedure of not taking up the Interpellations first of all in the meetings, was not against the Rules laid down in the Municipal Bye-laws. The replies given by the President for this, and further correspondence on the subject may kindly be perused from the enclosures 'B' to 'D'.

I invite your kind attention particularly to the words underlined in the copy of my letter dated 6-3-45 (Vide Enclosure 'C'). I pointed out in this letter to the President, City Municipal Council, Mysore, that in the meeting on 27-1-45 I did not want him to give priority to any particular proposition as laid down in the Rules, but asked about the non-observance of a Rule in the Byelaws. And the reply for this is his letter dated 12-3-45(Vide enclosure'D'). He states in his letter dated 12-3-45 that the procedure now followed

P.t.o.

is not against the Byelaws, though in Rule No.11 on page 18 the Byelaws clearly speak that Interpellations should be taken up before the ordinary business on the Agenda commences. The President, City Municipal Council, Mysore, states this perhaps on the score that the procedure of not taking up Interpellations in the begining of Meetings, is being followed by the Council for the past about 30 years. In this connection I wish to point out that an irregularity (deviation from the Byelaws in this instance) cannot be called otherwise, merely because it is being followed for the past thirty or forty years.

Under the circumstances, I request you kindly to let me know, after kind perusal of the correspondence between myself and the President, City Municipal Council, Mysore, and the Byelaws referred to in the above para, how far the President is justified in saying that the procedure followed is not against the Byelaws.

Request the favour of a line in reply.

Yours faithfully,

MUNICIPAL COUNCILLOR,
C. M. C. MYSORE.

ENCLOSURE 'A'

45

Letter No.25/120 dated 29-1-45 from G. Ahamed Khan, Municipal Councillor, Mysore, to the President, City Municipal Council, Mysore

---

I invite your kind attention to the Council Meeting held on 27-1-45 and request to be enlightened on the follow -ing points

Before commencement of the above meeting, I wished to know whether the Council was adhereing to the Rule laid down in para 14 of Byelaws regarding Interpellations In this connection reference was taken to Interpellation No. 376 -- tabled by me vide proceedings of the meeting held on 25-11-44. It was seen that the supplementary questions put by me and the answers given by the President were not recorded in the Minute Book. Please let me know whether this action of the Council is not against the Byelaw regarding Interpellations.

Further, I wished to know whether the Interpellations are taken up first in every meeting of the Council, as per para 11 of the Byelaws regarding Interpellations It was re-plied that the usual custom of the House has been followed In this instance I would like to know whether the House can deviate from the Rules laid down in the Byelaws, if so, under what circumstances they can do so may be made clear.

Lastly, I would like to know how far the Council was justified in following the sane old procedure on the meeting of 27-1-45 also, even after the question of irregular pro-- cedure was pointed out by me

Please let me hear as early as possible.

'C o p y'

ENCLOSURE 'B'

Letter No.M5-144-502/44 dated 8/9-2-45 from the President,City Municipal Council,Mysore,to Mr G.Ahmed Khan,Municipal Councillor, Mysore.

With reference to your letter No.25/120 dated 29-1-45 enquiring whether the procedure followed in the meeting of the Municipal Council held on 27-1-45 re Interpellations is not against the law, I am forwarding herewith an extract of the proceedings pertaining to this subject,which will make matters clear. In this connection, I wish to invite your attention to Rule No.6 on page 4 of the same Byelaws, which reads as follows -

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Mr. B. Narayanaswami stated that the existing procedure may continue being quite suitable, and the other members were generally of his opinion.

Mr.F.C.Devaraj Urs stated that there is some force in what Mr.Ahamed Khan asked,but he was of the opinion that the existing long established procedure may be continued He suggested that the discussions on this subject may be placed on record for future guidance.

(Continued).

Mr. G.Ahamed Khan next referred to subject No.376 and observed that supplementary questions and answers thereto are not being printed in the proceedings. The President said that supplementary questions and answers are being printed,but in this case he does not remember any supplementary questions having been asked by the member. He further stated that it would not be possible to incorporate the detailed discussions in the proceedings. The rules in this behalf required only a rough minutes of the proceedings being taken down.

'C o p y'

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I shall therefore be glad to know whether the Rule quoted by you vests the President and Council with autnority to overrule the Byelaws also in the conduct of meetings.

Kindly let me hear early.

'Copy'

ENCLOSURE 'D'

Letter dated 12th March 1945 from the President,City Municipal Council,Mysore,to G.Ahamed Khan,Esq., Municipal Councillor, Mysore;

With reference to your letter No.25/134 dated 6th March 1945, enquiring whether the rule quoted by me in my previous letter of even number of 9th Feb'45, vests the President and the Council to over rule the Byelaws, I wish to inform you that the procedure now followed is not against Byelaws. This will be clear if the first part of Rule 6 and the last sentence of Sec.27 Cl 8 of the Municipal Act, are read together. It is not the intention either of the President or the Council to overrule the Byelaws .

'Copy'

L-10692 ML 126-44-5. 27/4/45.

To, G. Ahamed Khasa Esqr 20

ML councillor, Mysore

Sir,

Subject Taking up of interpellations put in the municipal council meetings

With reference to your letter No 25/150 Dt 24-3-45 on the above subject ~~in regard to the taking up of interpellations in the council meetings etc.~~, I am directed to state that the Govt are not prepared to interfere in matters which are purely within the competence of a Local Body.

Yours faithfully

Asst to R.D.C

for secy to Govt

W.B. Law Deptt

Ack
28/4/45